

September 16, 2005

Ray Plieness
Office of Legacy Management
U.S. Department of Energy
2597 B ¾ Road
Grand Junction, CO 81503

Audrey Berry
Office of Legacy Management
U.S. Department of Energy
2597 B ¾ Road
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Bob Darr
Rocky Flats Public Affairs
U. S. Department of Energy
12101 Airport Way
Unit A
Broomfield, CO 81503

Re: *Predecisional Draft Rocky Flats Post-Closure Community Involvement Plan*, dated August 2005

Dear Mr. Plieness, Ms. Berry and Mr. Darr,

The City of Westminster appreciates the opportunity to review and provide comments on the document referenced above. Westminster understands that this document is to be a transitional document for public participation after physical closure of the site and that a future plan will govern public participation after regulatory closure.

We do not see where all of the comments that we previously submitted to Audrey Berry in our letter dated March 30, 2005 have been adequately addressed. Please provide a Responsiveness Summary that addresses how each of our comments/concerns, and the comments provided by others, were dispositioned and the rationale behind how they were dispositioned. Some of the following comments may be duplicates of those previously submitted.

Words in italics are direct quotes from the draft Community Involvement Plan and your letter.

General Comments

In addition to what has been identified in the Post-closure Community Involvement Plan (Plan), Westminster as a downstream community, currently has additional fax, email and telephone communication with the Site regarding notification prior to pond discharges, incident reports, use of herbicides, grass fires, elevated levels of contaminants at points of evaluation and points of compliance on Woman Creek and Walnut Creek, etc. We would like to ensure that LM will continue that communication. In the event Westminster has to act

ADMIN RECORD

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to protect downstream water quality, it is imperative we are notified the same time the regulators are notified of elevated levels, standards, or sampling. Please formalize these current communication protocols in the Plan as appropriate

We support the Plan and want to emphasize the importance of having a public involvement program dedicated to the long-term care of post-closure remedies at Rocky Flats. The foundation of the public participation effort is iterative ongoing consultation with Westminister so that we can directly disseminate information to our citizens and transmit questions or concerns to DOE to protect our assets.

We ask to be involved in any post-closure decisions regarding changes to the reading room, location of the Administrative Record, and implementation and creation of a post-closure web page. We understand LM intends to publish CERCLA documents on the LM website post-closure. Certain media such as maps, analytical data, etc. are difficult to download and read. We ask to receive a hard copy of any CERCLA document prepared post-closure by LM and quarterly data information from LM. In addition, we also request a hard copy of the CERCLA 5-Year Review prior to release of the document for formal public comments.

...LM will not have the resources needed to continue to provide documents to stakeholders in this fashion. LM sees one of the most valuable roles of the local stakeholder organization (LSO) to be established for Rocky Flats to be as a conduit for the distribution of documents and other communication messages from DOE to stakeholders.

We do not agree that any future hard copy documents only be provided to a future LSO for distribution. The City has always been provided copies of documents directly and had previously been assured by Ray Plienness that this would continue. The City **expects** (emphasis added) to receive their own hard copy of any documents at the same time that any future LSO receives them. In addition, the City has always received any site information directly and has also directly sent questions or concerns to DOE. Revise the above to state that Westminister and any other interested local government will continue to receive documents and WILL NOT rely on the LSO for receiving information or for providing comments and concerns to DOE.

Therefore, DOE is proposing that topics, such as data exchanges, which have been discussed in separate meetings be incorporated into the LSO public meeting agendas.

We do not agree with this approach. The Quarterly Data Exchange meetings are for the purpose of allowing Broomfield and Westminister the opportunity to receive data and reports, compare them with our data and reports and to discuss any anomalies. Per a verbal commitment, we had previously been assured by Ray Plienness that this would continue. Change the language to the effect that, "LM will continue to hold the Quarterly Data Exchange Meetings, which are hosted by the City & County of Broomfield, for at least the first two years after regulatory closure".

Specific Comments

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Third bullet - add the City of Thornton to list of cities and counties and add the Woman Creek Reservoir Authority to the list.

The Rocky Flats Coalition of Local Governments (RFCLoG) was formed to provide a forum for cooperation among seven local governments near the site. RFCLoG is working with DOE and regulators through the cleanup and transition effort to the Rocky Flats National Wildlife Refuge and the surveillance and maintenance of the site after closure.

RFCLoG has not been appointed the LSO after closure. Please delete the following from the above statement, "...and the surveillance and maintenance of the site after closure".

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- 2) *Disseminate information on the closure and post-closure operations of the site to the State of Colorado, neighboring cities and counties, and to persons and entities having a stake in the closure or post-closure operations of the site;*
- 3) *Transmit to appropriate managers or employees of DOE any questions or concerns on the closure and post-closure operations of the site from other government entities, or persons and entities referred to above;*

The City has always received any site information directly and has also directly sent questions or concerns to DOE. Revise the above to state that Westminster, Broomfield and any other interested local government will continue to do so and **WILL NOT** (emphasis added) rely on the LSO for receiving information or for providing comments and concerns to DOE.

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LM plans to coordinate with the LSO to hold three quarterly and one annual general public meetings during the first 2 years post-closure to discuss post-closure issues of importance to stakeholders.

We tentatively agree with this approach as long as the Quarterly Data Exchange meetings are separate in order to allow for Broomfield and Westminster to have the opportunity to receive data and reports, compare them with our data and reports and to discuss any anomalies. Per a verbal commitment, we had previously been assured by Ray Plienness that this would continue. Add language to the effect that, "LM will continue to hold the Quarterly Data Exchange Meetings, which are hosted by the City & County of Broomfield, for at least the first two years after regulatory closure".

LM plans to continue briefing elected officials through the LSO to discuss new data trends or the evaluation of post-CAD/ROD changes.

See above comment.

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*Public Reading Room - **Post-Closure:** As stated above, the future location of the reading room has not been determined.*

We have voiced our opinion many times that DOE shall maintain a document repository at the College Hill Library and work with local governments to determine which documents will be maintained.

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*Administrative Record - **Post-Closure:** LM plans to maintain the Administrative Record post-closure. As with the Public Reading Room, the future location of the Administrative Record has not been decided.*

See above comment under Public Reading Room.

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*Site Tours: **Post-Closure:** LM will conduct stakeholder and media tours of DOE-retained lands on a limited basis. Stakeholder participation in site inspections will be addressed in the LTS&M Plan.*

Add words to the effect that, "LM will notify local governments and the LSO of upcoming dates and times of physical inspections of remedies (i.e., landfill caps), so that local governments and/or members of the LSO can attend the inspections".

Page 13, Speaker's Bureau

Post-Closure: LM has committed to provide at least one DOE staff person at the site for 2 years post-closure.

Change to read, "...the site for 2 years following regulatory closure".

Page 14, Table 1. Matrix of Public Participation Activities

Add a section on the Quarterly Data Exchange Meetings

Activity: Quarterly Data Exchange Meetings

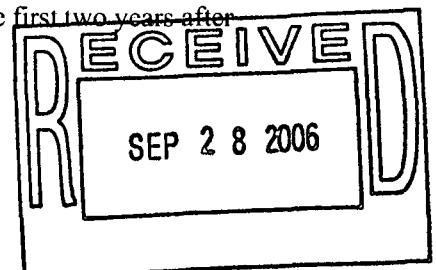
EM Cleanup:

- Held quarterly
- For information, to distribute data and address any issues that may result based upon the data distributed
- Allow for interaction between LM, regulators and local governments on ongoing sampling and monitoring
- Hosted by City & County of Broomfield

Site Transition: Same as EM Cleanup

Post-Closure:

Same as EM Cleanup except held quarterly for at least the first two years after regulatory closure.



Under Briefings for Elected Officials delete the following: "*Discuss new data trends or evaluation of post-CAD/ROD changes*".

Pages A-4 & A-5

Local Elected Officials

Broomfield

Shirley Garcia is an Environmental Coordinator not Technical Staff
Information

Thank you for the opportunity to comment on this document. The City of Westminster requests a meeting with LM to disposition this plan prior to finalization of the document. We appreciate all your efforts and responsiveness to meet our needs by providing a commitment to continue the Quarterly Data Exchange Meetings, having discussions with us, and seeking our input in the decision-making process for LM. If you have any questions, please feel free to call me at 303-430-2400, X2174.

Sincerely yours,

Al Nelson

Rocky Flats Coordinator

cc: Sam Dixon, City Councillor, City of Westminster
JoAnn Price, City Councillor, City of Westminster
Jim Arndt, Director Public Works and Utilities
Ron Hellbusch, Special Projects Coordinator
Jeanette Alberg, Area Representative, Senator Wayne Allard
David Hiller, State Issues Counsel, Senator Ken Salazar
Doug Young, District Policy Director, Congressman Mark Udall
Kimberly Cadena, Deputy Press Secretary, Congressman Bob Beauprez
Gary Brosz, City & County of Broomfield
Lori Cox, City & County of Broomfield
Shirley Garcia, City & County of Broomfield
Carl Spreng, Colorado Department of Public Health and Environment
Dave Kruchek, Colorado Department of Public Health and Environment
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Scott Surovchak, Legacy Management
Sam Marutzky, Legacy Management
Rocky Flats Coalition of Local Governments
Rocky Flats Citizens Advisory Board